



Department of Justice  
Canada

Ministère de la Justice  
Canada

FOR APPROVAL

NUMERO DU DOSSIER/FILE #: 2016-005144

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Providing Assistance to Canadian Victims of Terrorism Abroad**

s.21(1)(a)

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- GAC, as an operational department with an international mandate, is best placed to act as the initial point of contact for Canadian victims of terrorism abroad, while the VF is well-placed to provide subsequent financial assistance to obtain counselling and other support.

Approbation/signature de la ministre demandée pour le/Minister's signature/approval requested by:

**April 27, 2016**

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Stéphanie Poliquin / Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: April 20, 2016



Department of Justice  
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2016-005144

## MEMORANDUM FOR THE MINISTER

### Providing Assistance to Canadian Victims of Terrorism Abroad

s.21(1)(a)

s.21(1)(a)

#### ISSUE



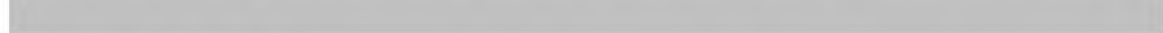
#### BACKGROUND

##### *Department of Justice – Victims Fund*

In Canada, the provinces and territories (PTs) are primarily responsible for providing services to victims of crime and are solely responsible for financial compensation programs. While victim services are provided in all PTs, criminal injuries compensation programs are not available in Newfoundland and Labrador, or the three territories. JUS provides some funding to the PTs for victim services through the Victims Fund, but does not cost share the existing provincial criminal injuries compensation programs.

The Canadians Victimized Abroad component of JUS Victims Fund (VF) was designed to provide financial assistance to Canadian victims where PT victim services lack jurisdiction. The financial assistance provided is not compensation, but a re-imbursement of expenses that may be incurred as a result of the criminal victimization outside Canada. It is available to Canadians who are victims of specified serious violent crimes—homicide, aggravated and sexual assault, and assault with serious personal violence including against a child—while outside Canada for emergency situations where no other source of financial assistance is available. Although terrorism is not explicitly listed, Canadian victims of terrorism abroad could be eligible to receive this financial assistance under the existing categories of crime if they are either injured or killed as a result of a terrorist act abroad. Victims must apply to be considered eligible for reimbursement.

Expenses covered can include travel expenses for a Canadian victim to return to Canada and/or repatriation of a body, travel expenses for a support person to travel to the foreign jurisdiction to be with the victim in the immediate aftermath of the crime, travel expenses for the victim to return to the foreign jurisdiction to testify, out of pocket expenses due to being a victim of violent crime, and financial assistance for professional counselling upon the victim's return to Canada.



s.21(1)(a)

[REDACTED] See Annex 1 for  
more information on this component of the VF.

***Global Affairs Canada – Distressed Canadians Fund***

While outside Canada, Canadian victims of terrorism are eligible to receive consular services through GAC. Additionally, GAC administers the Distressed Canadians Fund (DCF) which provides recoverable financial assistance, or loans, to Canadian citizens and their dependants abroad, usually to facilitate their repatriation to Canada once all means of private funding have been exhausted.

s.21(1)(a)

**CONSIDERATIONS**

s.21(1)(b)

[REDACTED]

***Operational considerations***

While victims of terrorism can apply for financial assistance from the Canadians Victimized Abroad component of the JUS VF, [REDACTED]

[REDACTED] GAC is the initial point of contact for Canadians abroad, and unlike JUS, it is an operational department that provides direct services to Canadians abroad. JUS does not, as a general rule, provide direct services to Canadians, and is not available to provide support on an emergency basis, after work hours and on weekends. [REDACTED]

[REDACTED]

s.23

***Provincial/territorial considerations***

[REDACTED]

As noted above, criminal injuries compensation programs are not available in all Canadian jurisdictions, and they vary considerably in those that have them. Compensation programs require legislative mandates, include complex schedules to monetize losses, and often have established boards to assess and review applications. See Annex 3 for information on provincial compensation programs.

***Liability considerations***

[REDACTED]

s.21(1)(a)

s.21(1)(b)

***Financial considerations***

***International considerations***

Countries such as the United Kingdom (UK) and France administer special funds that provide compensation for their citizens who are victims of overseas terrorism, while the U.S. administers a fund to reimburse the expenses of U.S. citizens who are victims of terrorist acts outside of the country.

See Annex 4 for

International Comparisons. In the UK and Australia, victims are ineligible for compensation if they have ignored government-issued travel bans.

**OPTIONS**

s.21(1)(a)

**RECOMMENDATION**



**ANNEXES**

- Annex 1: Canadians Victimized Abroad component of the Victims Fund  
Annex 2: Options  
Annex 3: Provincial Compensation Chart  
Annex 4: Table: International Victims of Terrorism Compensation Comparison

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☐ **I CONCUR WITH OPTION 1.**

☐ **I CONCUR WITH OPTION 2.**

☐ **I DO NOT CONCUR.**

☐ **OTHER INSTRUCTIONS:**

\_\_\_\_\_

\_\_\_\_\_  
The Honourable Jody Wilson-Raybould

\_\_\_\_\_  
Date

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Annex 1

**Canadians Victimized Abroad Component of the Victims Fund**

The Department of Justice's Victims Fund makes financial assistance available to eligible Canadian citizens who have been the victim of a serious violent crime in a foreign country for serious situations of undue hardship where no other source of financial assistance is available. The crime or alleged crime must have occurred on or after April 1, 2007.

An application must be submitted to the Victims Fund for financial assistance by or on behalf of the Canadian victim who is:

- the victim of a serious violent crime in a foreign jurisdiction, namely a homicide, sexual assault, aggravated assault, or assault with serious personal violence, including against a child;
- a family member of a victim who is dead, ill or incapacitated due to their victimization in a foreign jurisdiction; or
- a parent or the person responsible for the care and support of a child victim.

Victims of terrorism and kidnapping, whether injured or deceased as a result of the offence would be eligible to apply for funding.

**Eligible amounts**

Eligible non-travel related expenses can include medical expenses incurred while in the foreign country as a result of the offence and professional counselling expenses incurred following the offence. A maximum of \$10,000 is available for non-travel related expenses.

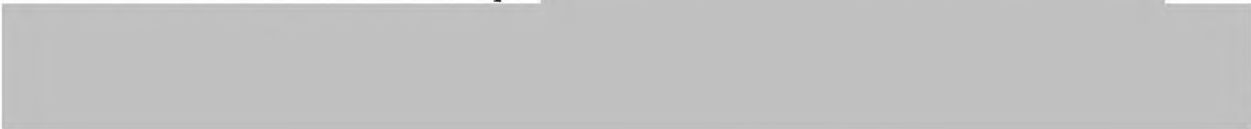
Eligible travel related expenses can include the travel costs for a victim to return to Canada whether by regular air carrier or air ambulance; travel expenses to allow a support to travel to the foreign country to be with the victim and to accompany the victim home to Canada; and travel back to the foreign country to attend criminal proceedings as a witness or observer. If the victim is deceased, the costs associated with repatriating the body can be covered as well as the travel expenses for a person to fly to the foreign country to accompany the remains back to Canada.

s.21(1)(a)

s.21(1)(b)

**Limitations**

Under the current terms and conditions of the Victims Fund, eligible recipients can receive a maximum of \$50,000 which includes the maximum \$10,000 available for non-travel related expenses. As a general rule, the funds are not advanced to the applicant but rather reimbursed after the fact on the basis of valid receipts.



**Pages 7 to / à 8**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

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2016-005144  
Annex 3

### Provincial Compensation Chart

<b>British Columbia</b> <b>Act:</b> <i>Crime Victim Assistance Act, SBC 2001, c 38</i> ; <b>Regulations:</b> <i>Crime Victim Assistance (General) Regulation, BC Reg 161/2002</i> ; and <i>Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation, BC Reg 162/2002</i>						
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in British Columbia.	No specific terrorism offences.	Persons injured or killed due to act or omission; an immediate family members, minor children of deceased; non-relatives of the victim who have a strong emotional attachment and who witness the event, suffering psychological harm.	One year from the date of the offence unless an application for extension is made and accepted on grounds of exceptional circumstances.	Medical, dental, and prescription drug expenses; counselling. <b>Compensation:</b> Vocational and protective services, home and vehicle modification, childcare, income and lost earnings support, and transportation services.	No global maximum. Maximums for counselling are set at \$5,040 for victims and \$3,780 for immediate family members.	Director of Victim Services may initiate a review of a decision or consider applications for review. Except on questions of law, the Director's decisions and any appeals are final.

<b>Alberta</b> <b>Act:</b> <i>Victims of Crime Act, RSA 2000, c V-3</i> <b>Regulations:</b> <i>Victims of Crime Regulation, Alta Reg 63/2004</i>						
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in Alberta.	No specific terrorism offences. Terrorism is listed as a criminal conduct offence for which, if a victim is convicted, can result in ineligibility for or reduced compensation.	Persons injured or killed due to act or omission, including secondary victims and witnesses; survivors and dependents of eligible victims.	Two years from the date of the offence unless an application for extension is made and accepted based on the Director's discretion.	<b>Compensation:</b> Financial awards based on an actuarial table of injuries according to severity including psychological injury and death benefits.	Maximum award is \$110,000. Maximum for counselling is \$35,000, only available if a number of aggravating factors are present.	The Criminal Injuries Review Board, appointed by Lieutenant Governor in Council, may hear applications for a review of the Director's decision if made within 30 days. Board decisions are final.



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Annex 3

### Provincial Compensation Chart

						except on questions of law.
<b>Saskatchewan</b>	<b>Act: <i>The Victims of Crime Act, 1995, SS 1995, c V-6.011</i></b> <b>Regulations: <i>The Victims of Crime Regulations, 1997, RRS c V-6.011 Reg 1</i></b>					
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in Saskatchewan.	No specific terrorism offences.	Persons injured or killed due to act or omission; secondary victims.	Two years from the date of the offence.	Medical, dental, and prescription drug expenses; <b>Compensation:</b> Loss of earnings, funeral costs, other reasonably incurred expenses.	Maximum award is \$100,000. Maximum for counselling is \$5,000.	Appeal committee, appointed by Lieutenant Governor in Council, may hear applications for review within 60 days of the Director's decision. Committee decisions are final except on questions of law.

<b>Manitoba</b>	<b>Act: <i>The Victims' Bill of Rights, CCSM c V55</i></b> <b>Regulations: <i>Victims' Rights Regulation, Man Reg 214/98</i></b>					
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in Manitoba.	No specific terrorism offences.	Persons injured or killed due to act or omission; secondary victims; witnesses.	One year from the date of the injury or death, or one year after the date when the victim becomes aware or knows or ought to know the nature of the injuries; extension is available on Director's discretion.	Medical and dental treatment; counselling; rehabilitation; <b>Compensation:</b> Loss of wages, retraining, property loss or damage, home or vehicle modification, funeral expenses and death benefits.	Maximum award is \$100,000. Maximum for counselling is \$2,000, with an additional \$2,000 in exceptional circumstances.	Appeal board, appointed by Lieutenant Governor in Council, may hear applications for review within 30 days of a Director's decision. Board decisions are final except on questions of law or jurisdiction.

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Annex 3

### Provincial Compensation Chart

<b>Ontario</b> <b>Act: Compensation for Victims of Crime Act, RSO 1990, c.274</b> <b>Regulations: None.</b>						
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in Ontario.	No specific terrorism offences.	Persons injured or killed due to act or omission; those responsible for the support of the victim; dependents.	Two years from the date of the offence, with discretion on the part of the Board to extend.	Medical, dental, and counselling expenses; <b>Compensation:</b> Wage loss as a result of disability, care for a child born as a result of rape, pain and suffering, financial loss incurred by dependents, other reasonable expenses.	Maximum \$25,000 to one victim per incident, \$150,000 to all victims of one occurrence.	Where an application is heard by a single member of the board, it may be reviewed by a quorum of two members not including the member who made the decision under review. Decisions of the board are final except on questions of law.

<b>Quebec</b> <b>Act: Crime Victims Compensation Act, CQLR c I-6</b> <b>Regulations: Regulation respecting the application and notice of election to claim benefits by a crime victim, CQLR c I-6, r 1 and</b> <b>Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims, CQLR c I-6, r 2</b>						
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in Quebec.	No specific terrorism offences.	Persons injured or killed due to act or omission or their dependents; mothers of children born due to prescribed offences.	Two years from the date of the offence or the date on which the victim becomes aware of the damage, unless it is shown that it was impossible for the victim to apply.	Medical and rehabilitative expenses; <b>Compensation:</b> Indemnities for periods of disability and permanent disability benefits, death benefits.	No global maximum. Maximum for counselling is \$2,600.	Decisions may be contested through application for review or administrative reconsideration if they are made in writing in the days following receipt of the decision.

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### Provincial Compensation Chart

<b>New Brunswick</b>	<b>Act:</b> <i>Victims Services Act, SNB 1987, c V-2.1</i> <b>Regulations:</b> <i>Compensation for Victims of Crime Regulation, NB Reg 96-81 and General Regulation, NB Reg 91-67</i>					
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in New Brunswick.	No specific terrorism offences.	Persons injured or killed due to act or omission, their parent or guardian, or next of kin.	Within one year of the commission of the offence or, in the case of sexual offences, within one year of disclosure of the offence to police.	Medical, dental, rehabilitative expenses; counselling; <b>Compensation:</b> Transportation, childcare, relocation, other miscellaneous expenses.	Maximum \$10,000; pain and suffering has a separate maximum of \$1,000; maximum for counselling is \$2,000.	An applicant may appeal in writing to the Minister in respect of the amount awarded. The Minister's review and decision are final.

<b>Prince Edward Island</b>	<b>Act:</b> <i>Victims of Crime Act, RSPEI 1988, c V-3.1</i> <b>Regulations:</b> <i>General Regulations, PEI Reg EC566/89</i>					
<b>Territorial Limitation</b>	<b>Terrorism Offences</b>	<b>Eligible Victims</b>	<b>Limitation Period to apply</b>	<b>Coverage</b>	<b>Maximum Amounts Offered</b>	<b>Oversight Body</b>
Prescribed offence must be committed in PEI.	No specific terrorism offences.	Persons injured or killed due to act or omission; their dependents.	Within one year of the commission of the offence. The Minister may extend the time period where they consider it warranted.	Medical, dental, rehabilitative expenses; <b>Compensation:</b> Financial loss due to disability or incapacity, pain and suffering, maintenance of a child born of sexual assault, other reasonable expenses.	Maximum to one victim is \$15,000; to all applicants regarding one occurrence is \$30,000.	The decision of the Minister is final except on questions of law.

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Annex 3

### Provincial Compensation Chart

Nova Scotia		Act: <i>Victims' Rights and Services Act, SNS 1989, c 14</i> Regulations: <i>Criminal Injuries Compensation Regulations, NS Reg 24/94</i>				
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Nova Scotia.	No specific terrorism offences.	Persons injured or killed due to act or omission; immediate family members of homicide victims.	Within one year of the crime unless it is a sexual assault by a person in a position of power or authority; may be extended in exceptional circumstances.	<i>Only counselling is covered.</i>	\$2,000 for victims of crime; \$4,000 for immediate family members of victims of homicide.	An applicant may appeal a decision of the Director only on questions of law or jurisdiction.

Note: Newfoundland and Labrador, as well as all three territories, do not currently have victim compensation programs.

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Annex 4

	military pensions, social assistance	Affairs, and Home Office				
Turkey	Compensation calculated according to formula based on monthly public employee salary plus a multiplier depending on severity	Numerous compensation commissions funded by the Social Assistance and Solidarity Encouragement Fund	Citizens of Turkey – unclear if other eligibility requirements are in force	Those with a criminal investigation pending may not apply	Within one year of the incident occurring	Commissions are created in the provinces and chaired by provincial deputy governors

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Annex 4

Table: International Victims of Terrorism Compensation Comparison						
Jurisdiction	Compensation	Institution	Nationality Criteria	Eligibility	Time Limits	Regional Variation
United Kingdom	Varies according to a fee schedule/tariff which corresponds to severity of injury	Foreign and Commonwealth Office's Criminal Injuries Compensation Authority (CICA)	British citizens or close relatives; UK armed forces or relatives; nation or member of an EU or EEA state; ordinary resident of UK	Character taken into account (e.g. criminal history, employment); must have exhausted other private means	Must apply within two years of the event unless under 18 or in exceptional circumstances	Assistance to complete application varies by residence (UK/Scotland/NI)
United States	Maximums: Medical aid: \$50k Mental health: \$5k Property loss: \$10k Funerals: \$25k	Department of Justice's International Terrorism Victim Expense Reimbursement Program (ITVERP)	US nationals or officers/employees of the US government or family members/legal guardians	All other forms of assistance must be exhausted; life insurance is not included when calculating assistance	Must apply within three years of the event, but Director of ITVERP may make exceptions	N/A
Australia	Maximum of \$75K, varying according to severity of injury; fee schedule/tariff available	Department of Human Services	Australian residents on the day on which an attack occurred or special class so designated	Proximity to act considered; compensation may be reduced if victim ignored travel warnings	Must apply within two years of the date of declaration by Prime Minister	N/A
France	No limits on compensation, except regarding destruction of goods or property loss; eligible for tax relief, provisions re:	Fund for Victims of Terrorist Acts and Other Offences (FGTI) with representatives from Finance, Justice, Social	French nationals or dependents; those who live outside France but are legally registered with a consular authority	If taking place abroad, consular authorities inform FGTI of the victim's identities; others who perceive themselves as victims can apply	Victims have up to 10 years to apply for compensation	N/A



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FOR INFORMATION  
NUMERO DU DOSSIER/FILE #: 2016-005302  
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: PROTECTED B

**TITRE/TITLE: Concluding Observations of the United Nations Committee on Economic,  
Social and Cultural Rights**

s.21(1)(a)

s.21(1)(b)

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- On February 24-25, 2016, a Canadian delegation appeared before the UN Committee on Economic, Social and Cultural Rights in Geneva to present and answer questions on Canada's implementation of the *International Covenant on Economic, Social and Cultural Rights*. One Justice Canada representative was part of Canada's delegation.
- Following the presentation, the Committee issued Concluding Observations, which were publicly released on March 7, 2016. [REDACTED]

[REDACTED] Most of the issues raised by the Committee fall under the policy mandate of other federal departments and/or the provinces and territories.

- Eight of the Committee's recommendations implicate the policy mandate of Justice Canada, either directly or indirectly: (1) remedies for violations of Covenant rights; (2) the free, prior, and informed consent of Indigenous peoples; (3) discrimination on the basis of social condition; (4) implementation of the UN *Declaration on the Rights of Indigenous Peoples*; (5) gender equality, including under the *Indian Act*; (6) violence against women and girls; (7) the Canadian Human Rights Tribunal's First Nations child welfare services decision; and (8) individual complaints procedures.
- In accordance with Canada's usual practice, the Concluding Observations will be carefully considered by all relevant federal departments, and provincial/territorial governments. Departmental officials will follow up with the relevant sectors in the Department in relation to the Committee's recommendations.

Soumis par (secteur)/Submitted by (Sector):

Public Law and Legislative Services Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Claudine Patry

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: April 28, 2016



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FOR INFORMATION

2016-005302

## MEMORANDUM FOR THE MINISTER

### Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights

#### ISSUE

This note is to inform you of the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights (Committee), issued on March 4, 2016 (Annex 1) following Canada's presentation of its Sixth Periodic Report under the *International Covenant on Economic, Social and Cultural Rights* (Covenant).

#### BACKGROUND

Canada acceded to the Covenant in 1976. The Covenant protects a broad range of economic, social, and cultural rights and the Committee is the expert body that monitors Covenant implementation. As a State Party to the treaty, Canada must report to the Committee approximately every five years on the domestic implementation of its treaty obligations. A Canadian delegation then presents the report in person to the Committee in Geneva. Following the presentation, the Committee issues Concluding Observations, which contain observations and recommendations regarding the State Party's implementation of its treaty obligations.

A Canadian delegation appeared before the Committee on February 24-25, 2016. The delegation's presentation was based on two documents: Canada's Sixth Periodic Report, which covers the period from January 2005-December 2009 (filed in October 2012); and Canada's written response to the Committee's advance list of issues (filed in February 2016). The Committee also considered issues raised in over 30 "shadow reports" prepared by civil society and Indigenous groups. The delegation was led by the Department of Canadian Heritage and comprised of an official from six other federal departments, including a representative from Justice Canada, and a representative from three provinces.

#### CONSIDERATIONS

Canada's delegation engaged in a constructive and respectful dialogue with the Committee. The Committee members were generally well-informed and asked pointed and at times critical questions about Canada's implementation of the Covenant. The Committee also commended Canada for its openness in engaging with the Committee and for sending a knowledgeable delegation that was able to provide information to the Committee on a wide range of issues.

Prior to Canada's presentation, the Committee followed its usual practice of meeting privately with representatives from civil society and Indigenous groups. Approximately 40 representatives



of Canadian-based groups travelled to Geneva for the presentation, and their concerns were reflected in many of the questions that the Committee posed to Canada.

The Committee's main areas of concern included redress for violations of Covenant rights, gender equality, pay equity, social assistance, poverty reduction, housing and homelessness, corporate social responsibility and extraterritorial scope of the Covenant, official development assistance, access to employment for vulnerable groups, discrimination and violence against Indigenous women, the right to water and food, child welfare, and the coordination of shared responsibilities in the implementation of Covenant rights.

s.21(1)(a)

s.21(1)(b)

### *The Concluding Observations of the Committee*

For example, civil society organisations sometimes invoke the Committee's recommendations when engaging in public advocacy, or even as a contextual consideration in domestic litigation.

The Concluding Observations corresponded closely to the issues that the Committee raised during Canada's presentation. Most of these issues fall under the responsibility of other federal departments and/or the provinces and territories. Eight recommendations fall within Justice Canada's policy mandate, either directly or indirectly:

- Adopt legislative measures to ensure that victims have access to effective domestic remedies for violations of Covenant rights; review litigation strategies to foster the justiciability of Covenant rights and to broaden interpretations of the Charter (ss. 7, 12 and 15) to protect these rights (para. 6);
- Fully recognize and apply in practice the right to free, prior, and informed consent of Indigenous peoples in laws and policies, including by establishing effective mechanisms to enable their meaningful participation in decision-making in relation to development projects being carried out on, or near, their lands or territories (para. 14);
- Add "social condition" as a prohibited ground of discrimination under the *Canadian Human Rights Act* to protect individuals from discrimination due to social or economic status (para. 18);
- Promote and apply the principles enshrined in the UN *Declaration on the Rights of Indigenous Peoples* (para. 20);
- Address inequality between women and men, including repealing the remaining discriminatory provisions of the *Indian Act* (para. 22);
- Address violence against women and girls in a holistic manner, including by taking effective measures that consider the root causes of this violence, which is particularly prevalent among Indigenous women and girls (para. 34);

- With respect to Indigenous children placed in child care institutions, fully comply with the Canadian Human Rights Tribunal's decision in *First Nations Child & Family Caring Society of Canada* and implement the related recommendations of the Truth and Reconciliation Commission (para. 36); and
- Ratify the UN *Optional Protocol to the Convention on the Rights of Persons with Disabilities* (para. 46) and the Optional Protocol to the Covenant (para. 61).

### **Media**

Overall, the level of media attention and social media activity, both during Canada's presentation and upon the release of the Concluding Observations, was lower than that of Canada's prior UN human rights reviews. The media coverage focused on the Committee's concerns regarding the justiciability of economic, social, and cultural rights in Canada, access to clean water and sanitation in First Nation communities, access to food, housing and homelessness, and social assistance programs.

### **CONCLUSION**

In accordance with Canada's usual practice, the Concluding Observations will be carefully considered by all relevant federal departments, provinces, and territories, and discussed at the upcoming Federal-Provincial-Territorial Continuing Committee of Human Rights Officials attended by departmental officials. Department officials will also participate in federal inter-departmental efforts to monitor progress in relation to the Committee's recommendations and follow-up with the relevant sections within the Department.

The Committee requested that Canada file its Seventh Periodic Report by March 31, 2021, in accordance with the Covenant's regular reporting cycle. Therefore, Canada's next presentation to the Committee will not be until 2021 at the earliest.

### **ANNEX**

Annex 1: UN Committee on Economic, Social and Cultural Rights: "Concluding observations on the sixth periodic report of Canada" (issued in advance unedited version on March 4, 2016)

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## Advance Unedited Version

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### Committee on Economic, Social and Cultural Rights

#### Concluding observations on the sixth periodic report of Canada\*

1. The Committee on Economic, Social and Cultural Rights considered the sixth periodic report of Canada on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CAN/6) at its 6th and 7th meetings (E/C.12/2016/SR.6-7) held on 24 and 25 February 2016, and adopted the following concluding observations at its 20<sup>th</sup> meeting, held on 4 March 2016.

#### A. Introduction

2. The Committee welcomes the sixth periodic report submitted by the State party and the supplementary information provided in the replies to the list of issues (E/C.12/CAN/Q/6/Add.1). The Committee also welcomes the oral replies provided by the high-level delegation.

#### B. Positive aspects

3. The Committee welcomes the State party's ratification of the Convention on the Rights of Persons with Disabilities, in 2010.

4. The Committee notes with appreciation the measures taken by the State party to enhance the promotion and protection of economic, social and cultural rights, including:

(a) The repeal of section 67 of the Canadian Human Rights Act in 2008, thus enabling people to file complaints to the Canadian Human Rights Commission regarding discrimination resulting from the application of the Indian Act;

(b) The restoration of the Interim Federal Health Program in December 2015 for certain categories of refugees and asylum seekers that had been eliminated in 2012;

(c) The State party's decision in 2015 to establish a national inquiry into murders and disappearances of indigenous women and girls;

(d) The State party's commitment to implement the UN Declaration on the Rights of Indigenous Peoples (2007);

\* Adopted by the Committee at its fifty-seventh session (22 February – 4 March 2016).

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(e) The State party's commitment to reinstate the long-form census and the launch of the new Canada Survey on Disability;

(f) The recent appointment of the new federal Cabinet in which 50% of new Ministers are women and 17% are 'visible minorities'.

### **C. Principal subjects of concern and recommendations**

#### **Domestic application of the Covenant**

5. The Committee is concerned that, despite certain promising developments and the Government's commitment to review its litigation strategies, economic, social and cultural rights remain generally non-justiciable in domestic courts. The Committee is also concerned at the limited availability of legal remedies for victims in the event of Covenant rights' violation, which may disproportionately impact disadvantaged and marginalized groups and individuals, including homeless persons, indigenous peoples and persons with disabilities.

6. The Committee recommends that the State party take the necessary legislative measures to give full effect to the Covenant rights in its legal order, and ensure that victims have access to effective remedies. The Committee recommends that the State party implement its commitment to review its litigation strategies in order to foster the justiciability of the economic, social and cultural rights. The State party should engage civil society and organizations of indigenous peoples in this revision with a view to broadening the interpretation of the Canadian Charter of Rights and Freedoms, notably sections 7, 12 and 15, to include economic social and cultural rights, and thus ensure the justiciability of Covenant rights. The Committee also recommends that the State party improve human rights training programmes in order to ensure better knowledge, awareness and application of the Covenant, in particular among the judiciary, law enforcement and public officials. The Committee refers to its general comments No. 3 (1990) on the nature of States parties' obligations, and No. 9 (1998) on the domestic application of the Covenant.

#### **Inter-Governmental arrangements under the federal system**

7. The Committee welcomes the reassurance provided by the State party that its federal structure may enhance implementation through local and regional accountability measures and notes that the State party has referred in its Core Document to section 36 of the Constitution Act, 1982 in this context. The Committee is concerned, however, that funding and other agreements with provinces, territories and municipalities do not establish responsibilities for the implementation of Covenant rights at the different levels.

8. The Committee recommends that economic, social and cultural rights be incorporated into inter-governmental agreements and in enabling legislation for municipalities, and that transfer of payments take into due account on compliance with Covenant rights.

#### **Maximum available resources**

9. The Committee is concerned about stagnation in the levels of social spending as a share of Gross Domestic Product. The Committee is also concerned at the low levels of corporate tax rates if compared with other rich countries, and about the disproportionate impact of austerity measures introduced in a number of provinces on disadvantaged and marginalized groups and individuals (art. 2, para 1).

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10. The Committee recommends that the State party increase national spending to guarantee Covenant rights so as to achieve the progressive realization of the economic, social and cultural rights. The Committee urges the State party to adopt and implement a tax policy that is adequate and socially equitable and which improves tax collection so as to ensure the mobilization of resources sufficient for implementing economic, social and cultural rights, with special attention paid to disadvantaged and marginalized individuals and groups. In this regard, the Committee encourages the State party to collect disaggregated data based on the prohibited grounds of discrimination. The Committee recommends that the State party monitors closely the introduction of austerity measures by provinces and ensure that they do not undermine the minimum core content of all the Covenant rights, and that such austerity measures are not discriminatory and are temporary, necessary and proportionate. The Committee refers the State party to the letter sent by the Committee's Chairperson on austerity measures to all States parties on 16 May 2012.

#### **Official development assistance**

11. The Committee is concerned about the level of official development assistance (ODA) (0.24% of GNI).

12. The Committee recommends that the State party raise the ODA level so as to meet the internationally recognized target of 0.7% of GNI, and to pursue a human rights-based approach in its development cooperation policy.

#### **Free, prior and informed consent of indigenous peoples**

13. The Committee is concerned that the right to free, prior and informed consent of indigenous peoples to any change to their lands and territories is not adequately incorporated in domestic legislation and not consistently applied by the State party. The Committee, acknowledging the State party's statement that this issue will be revised by the new Government, remains concerned about the lack of formal mechanisms and processes that enable meaningful consultation with indigenous peoples, particularly in the context of the operation of extractive industries.

14. The Committee recommends that the State party fully recognize the right to free, prior and informed consent of indigenous peoples in its laws and policies and apply it in practice. In particular, it recommends that the State party establish effective mechanisms that enable meaningful participation of indigenous peoples in decision-making in relation to development projects being carried out on, or near, their lands or territories. The Committee also recommends that the State party effectively engage indigenous peoples in the formulation of legislation that affects them.

#### **Business and economic, social and cultural rights**

15. The Committee is concerned that the conduct of corporations registered or domiciled in the State party and operating abroad are, on occasions, negatively impacting on the enjoyment of Covenant rights by local populations. The Committee is also concerned about the limited access to judicial remedies before courts in the State party by victims and that existing non-judicial remedial mechanisms, such as the Office of the Extractive Sector CSR Counsellor have not always been effective. The Committee is further concerned about the lack of impact assessments explicitly taking into account human rights prior to the negotiation of international trade and investments agreements.

16. The Committee recommends that the State party strengthen its legislation governing the conduct of corporations registered or domiciled in the State party in

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their activities abroad, including by requiring these corporations to conduct human rights impact assessments prior to making investment decisions. It also recommends that the State party introduce effective mechanisms to investigate complaints filed against these corporations, and adopt the necessary legislative measures so as to facilitate access to justice before domestic courts by victims of these corporations' conduct. The Committee further recommends that the State party ensure that trade and investment agreements negotiated by Canada recognize the primacy of Canada's international human rights obligations over investors' interests, so that the introduction of investor-State dispute settlement procedures shall not create obstacles to the full realization of Covenant rights.

#### Non-discrimination

17. The Committee is concerned that social condition is not included among the prohibited grounds of discrimination in the Canadian Human Rights Act (art. 2).

18. The Committee recommends that the State party include social condition among the prohibited grounds of discrimination in the Canadian Human Rights Act, and in the provincial human rights acts, as necessary. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

#### Indigenous peoples

19. The Committee is concerned, in spite of the pledge made by the State party to address the situation of indigenous peoples, about the persisting socio-economic disparities between indigenous and non-indigenous peoples, and by disparities in relation to poverty prevalence and access to basic rights, including housing, education and health-care services. The Committee is also concerned about the decrease in the already insufficient funding allocated to indigenous peoples living both on and off reserves, a situation which is further exacerbated by the jurisdictional disputes between federal and provincial governments on funding to indigenous peoples (art 2, para 2).

20. The Committee recommends that the State party, in consultation with indigenous peoples:

(a) Implement and strengthen its existing programmes and policies to improve the enjoyment of Covenant rights by indigenous peoples;

(b) Increase federal and provincial funding to indigenous peoples commensurate to their needs, and work out solutions to ensure coordinated and accountable implementation of indigenous peoples' rights by all jurisdictions;

(c) Implement the recommendations put forward by the Special Rapporteur on the Rights of Indigenous Peoples following his mission to Canada (2013);

(d) Promote and apply the principles enshrined in the UN Declaration on the Rights of Indigenous Peoples;

(e) Consider ratifying the ILO Indigenous and Tribal Peoples Convention (1989) (no. 169).

#### Equality between women and men

21. The Committee is concerned at the discrimination against women in the State party in many areas of economic, social and cultural rights. In particular it is concerned that owing to women's primary role as caregivers in the family, women are overrepresented in part-time work and in low-paid sectors, thus perpetuating the gender segregation in the

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workplace and the gender wage gap. The Committee is further concerned about the remaining gender-based discriminatory provisions in the Indian Act concerning Indian status classification (art. 3).

22. The Committee recommends that the State party develop and implement a comprehensive national gender equality policy to address the structural factors leading to gender inequality, in close cooperation with provinces and territories as well as in consultation with civil society organizations. The Committee also recommends that the State party:

(a) Effectively implement and improve existing legislation on equal pay between men and women, at provincial and territorial levels including the adoption of effective enforcement mechanisms, and, include temporary special measures such as quotas;

(b) Repeal the remaining discriminatory provisions in the Indian Act;

(c) Pursue its commitment to provide affordable child-care services across the country so as to assist parents to balance family and employment responsibilities;

(d) Adopt targeted measures to increase access to social assistance and employment opportunities for women with disabilities;

(e) Intensify its efforts to eliminate the gender role stereotypes and prejudices, including through awareness-raising campaigns.

#### **Unemployment**

23. The Committee is concerned that certain disadvantaged and marginalized groups and individuals continue to be disproportionately affected by unemployment, including persons with disabilities, African-Canadians, youth, recent immigrants, minorities, and indigenous peoples (art. 6).

24. The Committee recommends that the State party step up its efforts to address unemployment faced by disadvantaged and marginalized groups and individuals. The Committee recommends that the State party strengthen the enforcement and monitoring of the Employment Equity Act and take all appropriate measures to strengthen and expand its coverage. The Committee further recommends that the State party take measures to ensure the adoption of employment equity legislative and policy measures in all jurisdictions, in collaboration with provinces and territories.

#### **Minimum wage**

25. While noting that minimum wage has been adjusted in all provinces during the period under review, the Committee is concerned that the minimum wage in all provinces remains inadequate and falls short of the living costs (art. 7).

26. The Committee recommends that the State party ensure that minimum wage is increased in all jurisdictions as well as adjusted and regularly indexed to the cost of living, so as to allow decent living for all workers and their families.

#### **Just and favourable conditions of work**

27. The Committee welcomes the changes introduced to the Live-In Caregiver Program. It however remains concerned that certain categories of foreign workers, including temporary and seasonal migrant workers, are vulnerable to exploitation by employers especially as their work permit is tied to a specific employer (art. 7).

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28. The Committee recommends that the State party step up its efforts to prevent labour exploitation of temporary and seasonal migrant workers, among others by increasing inspection visits, improving regulation of recruitment agencies, and replacing the employer-specific work permit with a type-of-work permit. The Committee refers to its general comment on the right to just and favourable conditions of work E/C.12/GC/23 (2016).

#### **Social security**

29. The Committee is concerned at the inadequate social assistance rates in all provinces and for all households, and about the lack of accountability provisions in the Federal Social Transfer. The Committee is also concerned about the existence of claw-back provisions in some jurisdictions that allow deducting child benefits from social assistance benefits. Furthermore, the Committee expresses its concern at recent amendments to Bill C-43 which allow provinces to deny access to social assistance by refugee claimants and other persons without permanent status in Canada (art. 9).

30. The Committee recommends that the State party ensure that social assistance rates are increased in all provinces to levels that allow a decent living for beneficiaries and their families so as to ensure an effective income safety net. The State party should also integrate accountability provisions in the Federal Social Transfer as a means to allow monitoring of how the funds are allocated to social assistance benefits. Furthermore, the State party is requested to ensure that all claw-back provisions in provincial jurisdictions are repealed, and the recent amendments introduced to Bill C-43 reviewed, with a view to ensuring that refugee claimants and other persons without permanent status in Canada can access social assistance, without discrimination.

#### **Employment insurance**

31. The Committee is concerned about the decrease in the number of the unemployed who are eligible for employment insurance, as well as at the insufficient levels of these benefits. In particular, the Committee expresses its concern at the stringent conditions to qualify for employment insurance, and that some workers are often unable to access employment insurance benefits following the termination of their work contract (art. 9).

32. The Committee recommends that the State party revise the eligibility thresholds for, and amounts of, employment insurance with a view to ensuring that all workers, including part-time and temporary foreign workers, can access adequate employment insurance benefits, without discrimination.

#### **Violence against women**

33. The Committee is concerned about the persistence of violence against women in the State party which is particularly prevalent among indigenous women and girls, and further exacerbated by the economic insecurity of women. The Committee is also concerned that in some cases owing to the inadequacy, and insufficient number, of shelters combined with women's inability to afford housing and the inadequate social assistance, women victims of violence are unable to escape violent situations (arts. 10 and 11).

34. The Committee recommends that the State party address violence against women and girls in a holistic manner. Inter alia, the State party is encouraged to study the link between poverty, ethnic origin and vulnerability to violence, and take effective measures aimed at preventing and eradicating violence against women and girls. The Committee also recommends that the State party step up its efforts to protect victims of violence, including by ensuring the availability of sufficient number



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of adequate shelters for victims of violence as well as long-term housing solutions, and adequate social assistance.

#### **Children in foster care**

35. The Committee is concerned at the higher likelihood that indigenous children be placed in child care institutions, which is further exacerbated by the inadequate funding to child welfare services to indigenous peoples living on reserves. The Committee is also concerned that African-Canadian children are overrepresented in child care institutions (art. 10).

36. **The Committee recommends that the State party:**

(a) **Review and reinforce its funding to family and child welfare services for indigenous peoples living on reserves, and fully comply with the decision of the Canadian Human Rights Tribunal (January 2016) concerning the provision of family child welfare services to First Nations children and families living on reserves;**

(b) **Implement the recommendations of the Truth and Reconciliation Commission (2015) with regard to the Indian Residential Schools;**

(c) **Take effective measures to address the root causes of overrepresentation of African-Canadian children in care institutions.**

#### **Poverty**

37. Considering the advanced level of development of the State Party, the Committee is concerned about the significant number of people living in poverty. It is further concerned that indigenous peoples, persons with disabilities, single mothers, as well as minority groups continue to experience higher rates of poverty and at the limited effectiveness of measures taken to address this (art. 11).

38. **The Committee recommends that the State party take all necessary measures to combat poverty more effectively while paying particular attention to groups and individuals that are more vulnerable to poverty. The Committee recommends that the State party in collaboration with provinces, territories, and indigenous peoples and consultation with civil society organizations, implement a human-rights based national anti-poverty strategy, which includes measureable goals and timelines as well as independent monitoring mechanisms. The Committee further recommends that the State party ensure that provinces and territories' anti-poverty policies are human-rights based and aligned with the national Strategy.**

#### **Right to housing**

39. The Committee is concerned about the persistence of a housing crisis in the State party. It is particularly concerned at the: (1) absence of a national housing strategy; (2) insufficient funding for housing; (3) inadequate housing subsidy within the social assistance benefit; (4) shortage of social housing units; and, (5) increased evictions related to rental arrears (art. 11).

40. **The Committee urges the State party to develop and effectively implement a human-rights based national strategy on housing and ensure that all provincial and territorial housing strategies are aligned with the national strategy. In light of its general comments nos. 4 (1991) on the right to adequate housing, and 7 (1997) on forced evictions, the Committee recommends that the State party:**

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(a) Progressively increase federal and provincial resources allocated to housing, and reinforce the housing subsidy within the social assistance benefit so as to be commensurate to living costs;

(b) Take effective measures to substantially increase the availability of social and affordable housing units;

(c) Regulate rental arrangements with a view to ensuring that tenants enjoy the right to affordable and decent housing and are not vulnerable to forced evictions and homelessness;

(d) Ensure that its legislation on forced evictions is compatible with international norms, particularly with respect to its obligation to ensure that no persons find themselves homeless or victims of other human rights violations due to evictions, and that compensation or alternative accommodation is provided to victims.

#### **Homelessness**

41. The Committee is concerned at the increasing number of homeless persons in the State party, the lack of adequate measures to prevent homelessness, the shortage of adequate emergency shelters, and the existence of anti-camping and other by-laws that penalize homeless persons in some jurisdictions (art. 11).

42. The Committee recommends that the State party adopt a national strategy on homelessness to examine the root causes for the increase in the number of homeless persons and collect data on the extent of homelessness disaggregated by geographic location, ethnicity, sex and social condition, and to combat homelessness. The Committee also recommends that the State party take effective measures to ensure the availability of adequate emergency shelters throughout the country, and repeal provincial by-laws that penalize homeless persons for finding solutions necessary for their survival and well-being.

#### **Adequate standard of living**

43. The Committee is concerned that indigenous peoples, notably the Inuit and First Nations, encounter poor housing conditions, including overcrowding, that among others generate health challenges for the concerned communities. The Committee is also concerned at the restricted access to safe drinking water and to sanitation by the First Nations as well as the lack of water regulations for the First Nations living on reserves (art. 11).

44. The Committee urges the State party to intensify its efforts to address indigenous peoples' housing crisis, in consultations with indigenous governments and organizations. The Committee also urges the State party to live up to its commitment to ensure access to safe drinking water and to sanitation for the First Nations while ensuring their active participation in water planning and management. In doing so, the State party should bear in mind not only indigenous peoples' economic right to water but also the cultural significance of water to indigenous peoples.

#### **Housing for persons with disabilities**

45. The Committee is concerned that persons with psycho-social and intellectual disabilities continue to be placed in care institutions due to lack of adequate housing for them. It is also concerned by the increased rate of incarceration of these persons and the excessive use of solitary confinement (arts. 11 and 12).

46. The Committee recommends that a disability perspective is integrated in all housing plans and policies at all levels. To this end, the Committee recommends that

the State party increase the availability of affordable and social housing units for persons with psycho-social and intellectual disabilities as well as community-based services. The Committee also recommends that the State party ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

#### **Right to food**

47. The Committee welcomes the information provided by the delegation on the development of a national food policy. The Committee however remains concerned at the rates of food insecurity in the State party and the increased reliance on food banks, particularly in Northern Canada, and about the deficiencies of the Nutrition North Food programme (art. 11).

48. The Committee recommends that the State party take effective measures to address the recommendations put forward in the report of the Special Rapporteur on the Right to Food (2012). The Committee recommends that the State party ensure the Food Policy is human-rights based and is developed in close collaboration with provinces, territories and indigenous peoples as well as in consultations with civil society organizations. The Committee recommends that the State party pay particular attention to address food insecurity in Northern Canada, and take effective measures to protect access to traditional food. To this end, the State party is encouraged to review the Nutrition North Canada programme with due attention to the necessary transparency and accountability provisions, and extend the programme's coverage so as to reach those most affected by food insecurity.

#### **Right to health**

49. The Committee is concerned that undocumented immigrants in the State party are denied access to healthcare. The Committee is also concerned that drug users face barriers in access to health care services due to stigma and the punitive approach of the 2007 National Anti-Drug Strategy, which has had negative consequences on health of drug users and discriminatory effects on disadvantaged and marginalized groups and individuals, such as African-Canadians, indigenous peoples and women (art. 12).

50. The Committee recommends that the State party ensure access to the Interim Federal Health Program without discrimination based on immigration status, in line with the Human Rights Committee's recommendation of 2015 (CCPR/C/CAN/CO/6, para 12). The Committee also recommends that the State party ensure that its National Drug Law and the National Anti-Drug Strategy incorporate a public-health approach and be harm-reduction based, and take effective measures to facilitate access to appropriate health care, psychological support services and rehabilitation for drug users.

#### **Sexual and reproductive health rights**

51. The Committee welcomes the information provided by the delegation on measures taken to facilitate access to legal abortion services. It however remains concerned at disparities in access to such services as well as to affordable contraceptives (art. 12).

52. The Committee recommends that the State party ensure access to legal abortion services in all provinces and territories. The Committee also recommends that the State party ensure that physicians' conscientious objection does not impede women's access to legal abortion services. The Committee also recommends that affordable contraceptives be made accessible and available to all, and in particular those living in remote areas and those living in poverty. The Committee refers to its general comment on the right to sexual and reproductive health E/C.12/GC/22 (2016).

#### **Climate change and environmental protection**

53. The Committee is concerned that climate change is negatively affecting the enjoyment of Covenant rights by indigenous peoples. The Committee is also concerned that regulations governing environmental protection have been weakened in recent years, notably by the enactment of the Budget Bill C-38 (2012) and in the context of extractive industries (art. 12).

54. The Committee recommends that the State party address the impact of climate change on indigenous peoples more effectively while fully engaging indigenous peoples in related policy and programme design and implementation. The Committee also recommends that the State party ensure that the use of non-conventional fossil energies is preceded by consultation with affected communities as well impact assessment processes. It also recommends that the State party pursue alternative and renewable energy production. The Committee recommends that the State party further strengthen its legislation and regulations, in accordance with its international human rights obligations, and ensure that environmental impact assessments are regularly carried out in the context of extractive industry activities.

#### **Right to education**

55. The Committee is concerned by the continuous lower educational and academic achievements by indigenous and African-Canadian children. The Committee is particularly concerned by the latter's high drop-out rates at all school levels. The Committee is also concerned about reported barriers for children whose parents have no legal status in accessing schooling (arts. 13).

56. The Committee recommends that the State party reinforce its efforts to address the long-standing issues faced by indigenous and African-Canadian children in accessing and completing primary and secondary school. In doing so, the Committee recommends that the State party develop interventions, in consultation with the affected communities, aimed at combating school drop-out, including by putting an end to the unnecessary expelling and suspending measures of pupils. The Committee further recommends the State party ensure access to free compulsory schooling for all children, without discrimination.

#### **Post-secondary education**

57. The Committee is concerned at the increasing tuition fees in post-secondary education combined with decreasing governmental funding, which disproportionately impacts students and families with low income as well as indigenous peoples (art 13).

58. The Committee recommends that the State party take steps to increase the budget allocated to publicly funded post-secondary education system, with a view to facilitating access to higher education to everyone regardless of their socio-economic or ethnic background.

#### **Cultural rights**

59. The Committee is concerned that many indigenous languages are endangered, despite some measures taken. It is also concerned about the inadequate funding and promotion of African art and culture, that adds to the structural discrimination faced by this group in the enjoyment of economic, social and cultural rights in the State party (art. 15).

60. The Committee recommends that the State party step up the efforts needed to promote the preservation and use of indigenous languages, including by ensuring that provinces and territories teach and use indigenous language at schools, where

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appropriate. The Committee recommends that the State party promote, and increase the funding to, the art and culture of African Canadians, and to this end, use the International Decade for People of African Descent, proclaimed by General Assembly, as a vehicle to promote and protect the human rights of this group.

#### **D. Other recommendations**

61. The Committee encourages the State party to ratify the Optional Protocol to the the International Covenant on Economic, Social and Cultural Rights.

62. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State party in the compliance of its obligations under the Covenant for various segments of the population. In this context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by OHCHR (HRI/MC/2008/3).

63. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society at national, provincial and territorial levels, particularly among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee also encourages the State party to engage non-governmental organizations and other members of civil society in the process of consultation at the national level prior to the submission of its next periodic report.

64. The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 March 2021. It also invites the State party to update its common core document, as necessary and in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).



Department of Justice  
Canada

Ministère de la Justice  
Canada

FOR INFORMATION

NUMERO DU DOSSIER/FILE #: 2016-005693

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Biology Casework (DNA) Analysis Costs**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- Your office is meeting a delegation from the office of the Mayor of Delta, British Columbia on April 11, 2016. The municipal delegation is likely to raise the issue of perceived downloading of DNA analysis costs to municipalities. The Government of British Columbia is recovering costs from its municipalities for biology casework analysis services, commonly referred to as DNA analysis. The services are provided by the RCMP to the province under the Biology Casework Analysis Agreements (BCAAs).
- Under the BCAAs, the RCMP forensic laboratories provide crime scene DNA and other biological evidence analysis to all provinces and territories other than Quebec and Ontario, which have their own forensic laboratories.
- The BCAAs are entered into under section 20 of the *Royal Canadian Mounted Police Act*. Consequently, the Minister of Public Safety and Emergency Preparedness who is the lead for the Government of Canada on DNA analysis costs issues. If the issue is raised, the matter should be referred to the Department of Public Safety.
- In 2013 Public Safety Canada led negotiations with the provinces and territories, with the aim of increasing the sustainability of forensic DNA analysis services. The negotiations resulted in new BCAAs being agreed to, with provinces and territories paying 54%, and the federal government paying 46% of DNA analysis services.
- On December 2, 2015, B.C. Minister of Justice and Attorney General Suzanne Anton issued a public statement that Canada imposed an increase on B.C. and other provinces "requiring municipalities and the province to pay more for DNA services, or lose the service altogether" and encouraging municipalities to raise the issue with Canada.
- There is no requirement in the agreements for municipalities to pay for DNA analysis. The Government of British Columbia has been recovering costs from its municipalities for DNA analysis provided under the BCAAs. The decision to seek payments from its municipalities for forensic DNA analysis rests with the province.

Soumis par (secteur)/Submitted by (Sector): Public Safety, Defence and Immigration Portfolio

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2016-005693

## MEMORANDUM FOR THE MINISTER

### Biology Casework (DNA) Analysis Costs

#### ISSUE

Your office is meeting a delegation from the office of the Mayor of Delta, British Columbia on April 11, 2016. The municipal delegation is likely to raise the issue of perceived downloading of DNA analysis costs to municipalities. The Government of British Columbia is recovering costs from its municipalities for biology casework analysis services, commonly referred to as DNA analysis. The services are provided by the RCMP to the province under the Biology Casework Analysis Agreements (BCAAs).

#### BACKGROUND

The federal government has BCAAs with the provinces and territories, with the exception of Quebec and Ontario. Ontario and Quebec operate their own forensic laboratories and are not party to the BCAAs. The BCAAs are entered into under section 20 of the *Royal Canadian Mounted Police Act*. Accordingly, it is the Minister of Public Safety and Emergency Preparedness who is the lead on the issue of analysis costs.

Under the BCAAs, the RCMP forensic laboratories provide crime scene DNA and other biological evidence analysis. Currently, there are no BCAAs established with municipalities, or individual law enforcement agencies.

The BCAAs were first established with the provinces and territories in 1999. At that time, the provinces and territories' share of the DNA analysis costs was 54%, and the federal government's share was 46%. Renegotiations in 2004 resulted in the provinces and territories paying a fixed dollar amount of analysis costs, despite increased demands and costs of DNA analysis. As a result of the provinces and territories paying a static amount, the federal government was paying approximately 84% of DNA analysis costs in fiscal year 2013-2014.

In 2013 Public Safety Canada led negotiations with the provinces and territories, with the aim of increasing the sustainability of forensic DNA analysis services. The negotiations resulted in new BCAAs being agreed to, with a permanent cost-share ratio in which the provinces and territories pay 54% and the federal government pays 46% of analysis costs. The increased provincial and territorial contribution is to be implemented over three fiscal years, beginning in fiscal year 2014-2015 and ending in 2016-17. When fully implemented, the federal government's share for DNA services will go from 84% (\$23.7 million) to 46% (\$12.6 million). The provinces and territories will have an increase in costs of \$11.1 million, proportionally shared between all provinces and



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territories, and based on the number of service requests from that jurisdiction. For B.C., its share of the costs will be approximately \$2.5 million, \$3.6 million and \$4.9 million for fiscal year 2014-2015 through to 2016-2017.

## **CONSIDERATIONS**

### **B.C. Minister of Justice public statement on DNA analysis costs**

On December 2, 2015, B.C. Minister of Justice and Attorney General Suzanne Anton issued a public statement that the federal government imposed an increase on B.C. and other provinces "requiring municipalities and the province to pay more for DNA services, or lose the service altogether" and encouraging municipalities to raise the issue with the federal government directly. A copy of the statement is attached at Annex 1.

### **Responsibility for costs**

The RCMP invoices the provincial or territorial signatory of the BCAA. There is no requirement for municipalities or law enforcement agencies to pay for DNA analysis. The Government of British Columbia has been recovering costs from its municipalities for DNA analysis provided under the BCAAs. The decision to seek payments from its municipalities or law enforcement agencies for forensic DNA analysis rests with the province or territory.

### **Delta municipal council resolution for Federation of Canadian Municipalities consideration**

The municipality of Delta's council has proposed a resolution for consideration by the Federation of Canadian Municipalities at its 2016 annual conference aimed at encouraging the federal government to work with the provinces and territories to "develop a funding agreement that does not rely on local government funding for DNA analysis". A copy of the report is attached at Annex 2. Of note in the resolution is the recognition that B.C. has decided to cover only a portion of the actual costs and to bill the rest to its municipalities, which according to Delta, represents \$80,000 annually for the municipality.

## **CONCLUSION**

The Minister of Public Safety is the lead for the Government of Canada on DNA analysis costs issues. Consequently, if the issue is raised, the matter should be referred to the Department of Public Safety.

## **ANNEXES**

- Annex 1: Justice Minister's statement on DNA costs  
Annex 2: The Corporation of Delta Council Report

## **PREPARED BY**

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BRITISH  
COLUMBIA

## STATEMENT

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Ministry of Justice

### Justice Minister's statement on DNA costs

VICTORIA – Justice Minister Suzanne Anton has issued the following statement related to funding of DNA testing costs:

"I have been hearing from a number of municipalities regarding the cost of DNA services. Until recently, the federal government, through the RCMP, provided DNA services to police at no cost. British Columbia made a yearly contribution to those costs.

"This changed when the previous federal government decided to revise the funding model, declining to pay at the same level as they had before. But let's be clear – British Columbia has not changed its funding – this is an increase that was imposed on B.C. and other provinces by the federal government which is now requiring municipalities and the Province to pay more for DNA services, or lose the service altogether.

"Unfortunately, this means the costs fall to both levels of government and we recognize the burden this federal decision places on municipalities. That is why B.C. is making a significant financial contribution to help them move to the new funding model.

"Not only will we continue to subsidize municipal DNA testing by maintaining our annual contribution of \$1.3 million, in order to assist municipalities, we have paid an additional \$1.2 million in 2014-15 and will pay an additional \$1.7 million this year for DNA services used by police in B.C."

"During negotiations around this change, we engaged municipalities, briefed the president of the Union of British Columbia Municipalities (UBCM) and UBCM's Local Government Contract Management Committee. My staff also briefed police chiefs and police boards.

"In fact, on Feb. 21, 2014, UBCM director Rhona Martin and then-president and co-chair of UBCM Dianne Watts wrote to the federal government strongly urging them to reach an agreement with the Province on a number of issues, including DNA analysis. They made the point that it was not appropriate for Public Safety Canada to make assertions about service reductions when service delivery is the responsibility of the RCMP.

"While UBCM and municipalities have been aware of these changes for over a year, I do understand why they have concerns with the decision by the federal government. I would encourage them to raise these directly with the Government of Canada."

**Media Contact:**

Ministry of Justice  
Government Communications and Public  
Engagement  
250 213-3602

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The Corporation of Delta  
**COUNCIL REPORT**  
**Regular Meeting**

**F.09**

To: **Mayor and Council**

From: **Human Resources and Corporate  
Planning Department**

Date: **November 24, 2015**

---

**FCM Resolutions 2016**

---

The following report has been reviewed and endorsed by the Chief Administrative Officer.

▪ **RECOMMENDATION:**

THAT the following resolutions, included as Attachment 'A' to this report, be forwarded to the Federation of Canadian Municipalities for consideration at the 2016 Annual General Meeting:

- (i) Tax incentives to prevent food waste in Canada.
- (ii) Downloading of DNA analysis costs to municipal police agencies.

▪ **PURPOSE:**

The purpose of this report is to obtain Council's endorsement to forward resolutions to the Federation of Canadian Municipalities (FCM).

▪ **BACKGROUND:**

Each year, FCM invites members to submit resolutions on subjects of national municipal interest for consideration by the Board of Directors. Resolutions that are approved by Council and submitted by January 25, 2016 will be considered by the Board at the June 2016 annual conference in Winnipeg.

▪ **DISCUSSION:**

Two resolutions are presented for Council's consideration:

- (i) **Tax incentives to prevent food waste in Canada** – in October 2015, the National Zero Waste Council sent this resolution to municipalities across Canada seeking their endorsement. Delta Council endorsed the resolution at the November 2, 2015 Regular meeting and directed that the resolution be forwarded to FCM for the upcoming annual conference.

- (ii) **Downloading of DNA analysis costs to municipal police agencies** – this was the subject of a report to the Delta Police Board (October 1, 2015) and has also been the focus of discussions and advocacy work by UBCM. Details are included in Attachment 'A' to this report.

**Implications:**

Financial Implications – there are no financial implications.

▪ **CONCLUSION:**

Two resolutions are presented for submission to FCM for consideration at the annual convention in June 2016.

Sean McGill  
Director of Human Resources and Corporate Planning

Department submission prepared by: Bernita Iversen, Senior Policy Analyst  
F:\Bernita\FCM\2014\FCMReport.docx

This report has been prepared in consultation with the following listed departments.

Concurring Departments		
Department	Name	Signature
Police	Neil Dubord	

▪ **ATTACHMENT:**

A. FCM Resolutions

December 2015  
Federation of Canadian Municipalities

Attachment A  
Page 1 of 4

### **Tax Incentives to Prevent Food Waste in Canada**

At the November 2, 2015 Regular meeting, Delta Council endorsed the following:

THAT Delta Council supports the National Zero Waste Council's food waste reduction federal tax incentive proposal and urges the Government of Canada to implement tax incentives for food producers, suppliers and retailers to donate unsold edible food, thereby reducing unnecessary food waste, decreasing disposal cost to municipalities, reducing the environmental impact of food waste and addressing the issue of hunger and poverty in our communities.

THAT Delta Council forward the resolution supporting a tax incentive to prevent food waste in Canada to the Federation of Canadian Municipalities (FCM), requesting that the FCM urge the Government of Canada to implement tax incentives for food producers, suppliers and retailers to donate unsold edible food and that this resolution be considered at FCM's upcoming Annual General Meeting.

Attachment: National Zero Waste Council, Issues Brief



The Corporation of Delta  
4500 Clarence Taylor Crescent  
Delta, BC V4K 3E2  
604.946.4141  
[www.corp.delta.bc.ca](http://www.corp.delta.bc.ca)

December 2015  
Federation of Canadian Municipalities

### **Downloading of DNA Analysis Costs to Local Governments**

WHEREAS the federal and provincial governments have agreed to a 46%/54% cost-sharing arrangement for DNA analysis services based on actual costs;

AND WHEREAS some provincial governments, including the Province of BC, have agreed to fund only a portion of actual costs, with local governments being billed for the remaining costs based on usage:

THEREFORE BE IT RESOLVED THAT the FCM request the federal government to work with provincial governments to develop a funding agreement that does not rely on local government funding for DNA analysis services.

#### **Background:**

Since 2004, the federal government has funded the cost of DNA services, with a fixed contribution of \$3.8 million annually provided by the provinces and territories, and the federal government paying the remaining cost. In 2013, the federal government advised the provinces that a new agreement based on actual costs would be reached or DNA services would be reduced and eventually withdrawn completely.

In early 2015, a new agreement was reached between the federal and provincial governments whereby the provinces pay 54% of the actual costs of DNA analysis, and the federal government pays 46% of costs, to be phased-in over 3 years.

The BC provincial government has downloaded some of these costs to local governments as follows:

- 2014/15 – full costs paid by province (\$2.5 million)
- 2015/16 – province paid base contribution of \$1.3 million plus 75% of remaining costs (\$1.7 million). This left 25% (\$567,000) to be paid by local governments.
- 2016/17 – province will continue to pay \$1.3 million base, with the remaining costs being split between local governments (estimated \$3.5 million)

In November 2015, local governments in BC began receiving invoices for DNA analysis services. For Delta, with a population of 100,000, this represents an additional cost of \$80,000 annually. This decision to download costs was made without adequate consultation with municipalities and there is serious potential that it will impact the use of DNA analysis as a powerful crime-solving tool for already cash-strapped municipalities which cannot afford the additional costs without reducing service levels elsewhere.



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**SERVING CANADIANS  
AU SERVICE DES CANADIENS**



**Justice Canada  
Protected B**

**MEETING OF THE CANADIAN JUDICIAL COUNCIL**

**WEDNESDAY APRIL 6, 2016**

**MLU Copy**

## **BRIEFING MATERIALS**

**MEETING OF THE CANADIAN JUDICIAL COUNCIL  
APRIL 6, 2016**

<b>TAB</b>	<b>CONTENT / TOPIC</b>
<b>1</b>	<b>SCENARIO NOTE</b>
<b>2</b>	<b>CJC MEMBERSHIP</b>
<b>3</b>	<b>SPEECH</b>

s.21(1)(a)

s.21(1)(b)





Department of Justice  
Canada

Ministère de la Justice  
Canada

Protected B

SCENARIO  
2016-004416

## MEMORANDUM FOR THE MINISTER

Meeting of the Canadian Judicial Council: Gatineau, Quebec—April 6, 2016

### ISSUE

You have agreed to attend and speak at the annual meeting of the Canadian Judicial Council (CJC) in Gatineau, Quebec, on April 6, 2016, at the Hilton Lac-Leamy. The invitation from Norman Sabourin, Executive Director of the CJC, is attached at Annex A.

### BACKGROUND

The CJC is composed of 39 federally appointed chief justices, associate chief justices, and senior judges from federal, provincial, and territorial superior courts across Canada. The CJC is chaired by the Chief Justice of Canada. A list of current CJC members and staff is attached at Tab 2.

Created under the *Judges Act*, the main statutory responsibility of the CJC is to receive and consider complaints concerning the conduct of members of the federally appointed judiciary. In addition to its discipline mandate, the CJC's statutory objects also include promoting efficiency and uniformity, and improving the quality of judicial service, in the superior courts. For example, the CJC approves educational seminars that are funded under the *Judges Act*. It also takes positions on matters affecting the federal judiciary, such as judicial compensation and independence.

The full CJC meets twice a year, usually in April and September; the Minister of Justice and Deputy Minister of Justice are always invited. You are scheduled to make a short presentation on issues of mutual concern, followed by a question and answer session.

### CONSIDERATIONS

An hour has been set aside on the agenda for your appearance. Your speech (Tab 3) is expected to be around 20 minutes. Tabs 4 through 15 provide key messages and background information on issues that might be raised.

You will be seated at the head table with Deputy Minister Pentney and next to the Chief Justice of Canada, who will introduce you. Depending on the room configuration, you may either speak from a separate podium, or from your chair.

The Executive Director of the CJC, Norman Sabourin, will be in attendance and will likely introduce himself to you.

The Commissioner of Federal Judicial Affairs, William Brooks, is also invited to give a presentation. Although no formal meeting agenda has been received, officials understand that his appearance is scheduled for later in the agenda.

While CJC discussions are held in confidence and are closed to the public, it is possible that information from your presentation will be shared with other members of the judiciary. Media are not present.

#### **CONCLUSION**

This meeting offers an opportunity to discuss matters of mutual interest to the Government and the CJC, to explain the Government's perspective on particular issues, and to hear from the Council on issues of concern to it and to its members. It is also a chance to develop relationships with individual members of the CJC.

**ANNEX**      Invitation from Mr. Norman Sabourin dated February 15, 2016

#### **PREPARED BY**

Randall Harris

Counsel

Judicial Affairs, Courts and Tribunal Policy

Public Law Sector

613-941-4147

CJC  
CCM

Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

Ottawa, Ontario K1A 0W8

MINISTER OF JUSTICE  
MINISTRE DE LA JUSTICE

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Julie Gauthier  
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15 February 2016

The Honourable Jody Wilson-Raybould Minister of Justice and  
Attorney General of Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8

Dear Minister:

As you know from your recent discussions with Chief Justice McLachlin and Chief Justice Bauman respectively, the Canadian Judicial Council is holding its Annual Meeting on 6 and 7 April, 2016 at the Hilton Lac Leamy in Gatineau. This meeting provides Council members with the opportunity to discuss key issues of interest to the judiciary. I speak on behalf of all Council members when I say that your participation at the meeting would be both informative and appreciated.

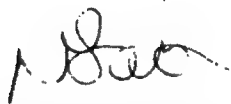
The purpose of this note, therefore, is to invite you to attend part of this meeting and deliver a few remarks on Wednesday afternoon or Thursday afternoon.

s.19(1)

I will be in touch with your Chief of Staff [REDACTED] closer to the meeting date to advise her of any particular issue members may wish to discuss.

The Chief Justice of Canada has also expressed her hope that you and your guest will join Council members for dinner on 7 April, at the Rideau Club, 99 Bank Street, in Ottawa. A formal invitation will be mailed in the coming weeks.

Yours sincerely,



Norman Sabourin  
Executive Director and Senior General Counsel

TAB 2

## **Canadian Judicial Council Members**

### **Canada (Federal)**

#### **Supreme Court of Canada**

The Right Honourable Beverley McLachlin, P.C., C.J.C. (Chairperson)

#### **Federal Court of Appeal**

The Honourable Marc Noël, Chief Justice of the Federal Court of Appeal

#### **Federal Court**

The Honourable Paul S. Crampton, Chief Justice of the Federal Court

#### **Tax Court of Canada**

The Honourable Eugene P. Rossiter, Chief Justice of the Tax Court of Canada

The Honourable Lucie Lamarre, Associate Chief Justice of the Tax Court of Canada

#### **Court Martial Appeal Court of Canada**

The Honourable B. Richard Bell, Chief Justice of the Court Martial Appeal Court of Canada

### **Alberta**

The Honourable Catherine A. Fraser, Chief Justice of Alberta

The Honourable Neil C. Wittmann, Chief Justice of the Court of Queen's Bench of Alberta

The Honourable John D. Rooke, Associate Chief Justice of the Court of Queen's Bench of Alberta

### **British Columbia**

The Honourable Robert Bauman, Chief Justice of British Columbia

The Honourable Christopher E. Hinkson, Chief Justice of the Supreme Court of British Columbia

The Honourable Austin F. Cullen, Associate Chief Justice of the Supreme Court of British Columbia

### **Manitoba**

The Honourable Richard J. Chartier, Chief Justice of Manitoba

The Honourable Glenn Joyal, Chief Justice of the Court of Queen's Bench of Manitoba

The Honourable Shane I. Perlmutter, Associate Chief Justice of the Court of Queen's Bench of Manitoba

The Honourable Marianne Rivoalen, Associate Chief Justice, Family Division, Court of Queen's Bench of Manitoba

TAB 2

**New Brunswick**

The Honourable Ernest Drapeau, Chief Justice of New Brunswick

The Honourable David D. Smith, Chief Justice of the Court of Queen's Bench of New Brunswick

**Newfoundland and Labrador**

The Honourable J. Derek Green, Chief Justice of Newfoundland and Labrador

The Honourable Raymond P. Whalen, Chief Justice of the Trial Division of the Supreme Court of Newfoundland and Labrador

**Northwest Territories**

The Honourable Louise A. Charbonneau, Senior Judge of the Supreme Court of the Northwest Territories

**Nova Scotia**

The Honourable J. Michael MacDonald, Chief Justice of Nova Scotia

The Honourable Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia

The Honourable Deborah K. Smith, Associate Chief Justice of the Supreme Court of Nova Scotia

The Honourable Lawrence I. O'Neil, Associate Chief Justice of the Supreme Court of Nova Scotia,  
Family Division

**Nunavut**

The Honourable Robert Kilpatrick, Senior Judge of the Nunavut Court of Justice

**Ontario**

The Honourable George R. Strathy, Chief Justice of Ontario

The Honourable Heather J. Smith, Chief Justice of the Superior Court of Justice (of Ontario)

The Honourable Alexandra Hoy, Associate Chief Justice of Ontario

The Honourable Frank N. Marrocco, Associate Chief Justice of the Superior Court of Justice (of Ontario)

**Prince Edward Island**

The Honourable David H. Jenkins, Chief Justice of Prince Edward Island

The Honourable Jacqueline R. Matheson, Chief Justice of the Trial Division, Supreme Court of Prince  
Edward Island

TAB 2

## **Québec**

The Honourable Nicole Duval Hesler, Chief Justice of Québec

The Honourable Jacques R. Fournier, Chief Justice of the Superior Court of Québec

The Honourable Robert Pidgeon, Senior Associate Chief Justice of the Superior Court of Québec

The Honourable Eva Petras, Associate Chief Justice of the Superior Court of Québec

## **Saskatchewan**

The Honourable Robert Richards, Chief Justice of Saskatchewan

The Honourable Martel D. Popescul, Chief Justice of the Court of Queen's Bench for Saskatchewan

## **Yukon Territory**

The Honourable Ronald Veale, Senior Judge of the Supreme Court of the Yukon Territory

## **Staff and Advisors**

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Committees Management Officer

Odette Dagenais

Senior Administrative Officer

Josée Desjardins

Director, Committees Management

Josée Gauthier

Registry Officer

Johanna Laporte

Director, Communications and Registry Services

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Programmer – Analyst, Web Site and Systems Management

Norman Sabourin

Executive Director and Senior General Counsel

Speaking Notes for the Minister of Justice and Attorney General of Canada  
Canadian Judicial Council Annual Meeting  
April 6, 2016

Thank you, Chief Justice, for the warm welcome and kind words of introduction, and for inviting me to speak to you today on Algonquin territory. I've been looking forward to meeting with the Council. Having spent much of my life around chiefs – and in my last job having held the title of Regional Chief of the B.C. Assembly of First Nations – I'm glad to be in familiar company.

My name is Jody Wilson-Raybould. My traditional name is Puglaas and I come from the Musgamagw Tsawataineuk and Laich-Kwil-Tach people of northern Vancouver Island.

I am honoured to be here, marking this once-in-a-lifetime moment that we share: meeting for the first time as individuals who all bear tremendous responsibilities within Canada's system of justice. You have all worked – some for many years – as members of a strong and independent judiciary; I am still very new to my role as Minister of Justice.

The roles that we play, however, and the offices we fill, are not new; and what is a personal and unique event for us is

but one of many meetings between members of the judiciary and a Minister of Justice and Attorney General, the principal lawyer in charge of administering the laws of Canada. These meetings – whether face to face, as now, or interactions that occur because of the roles we play on different stages – have shaped the relationship between the respective branches of government of which we are members. I see myself as the primary interlocutor between the executive and the judiciary, and I acknowledge and embrace how unique this relationship is: founded on and framed by constitutional principles and responsibilities that have been discovered, fostered and developed over decades and centuries.

This relationship is not the only one I hold dear that is imbued with constitutional significance: our government has embarked on and is committed to developing a nation-to-nation relationship with Canada's Indigenous peoples. We can and will redefine that relationship in a fundamental way. I can't help but think about the years and generations of earnest toil that lie ahead of us as we collectively deconstruct the colonial legacy and rebuild the relationship on principles of respect and recognition.



C At the same time, I recognize that the relationship between the executive and the judiciary – including the development of the principle of judicial independence – is at a different, more developed, stage. The constitutional framework is more mature, more clearly defined, but respect and collaboration will be our guideposts here as well.

In neither relationship is there room for complacency. And in fostering both of them, I am committed to the approach championed by our government – one grounded in respect, mutual collaboration, openness, and transparency.

C I have been an advocate for good governance my whole life. And now, as Minister of Justice and Attorney General of Canada, I am the steward of the Canadian justice system and I take my responsibilities and accountabilities very seriously. These general responsibilities were distilled into a specific mandate that was set for me by our Prime Minister in a letter to me, but that is also open for all the world to see. This means I can't hide: when I succeed, everyone will know; the same is true if I falter. I accept this not only because I know I do not have to accomplish anything single-

handedly but, more importantly, because with responsibility comes a need for accountability.

One of the benefits of having a public to-do list is that I don't have to tell people what I've been up to. And certainly, these early months have required me to focus on a number of critical priorities for our government. Moving forward on medical assistance in dying and on an inquiry into missing and murdered Indigenous women and girls has been challenging, rewarding and at times all-consuming. Other horizontal and over-arching initiatives include our review of litigation positions, our review of the criminal justice system and sentencing reforms, and the nation-to-nation relationship I mentioned a moment ago.

Some of the commitments from my mandate letter directly engage the courts, and I will be seeking your views and support in achieving results in those areas. And even beyond my mandate letter, I have been learning about what it means to be the primary interlocutor between the judiciary and the executive. I have already met or spoken with a few of you on specific issues, and I know that there are many more matters on which we will continue to engage. I would

C like to briefly address a few of these in the remainder of my  
remarks.

s.21(1)(a)

s.21(1)(b)

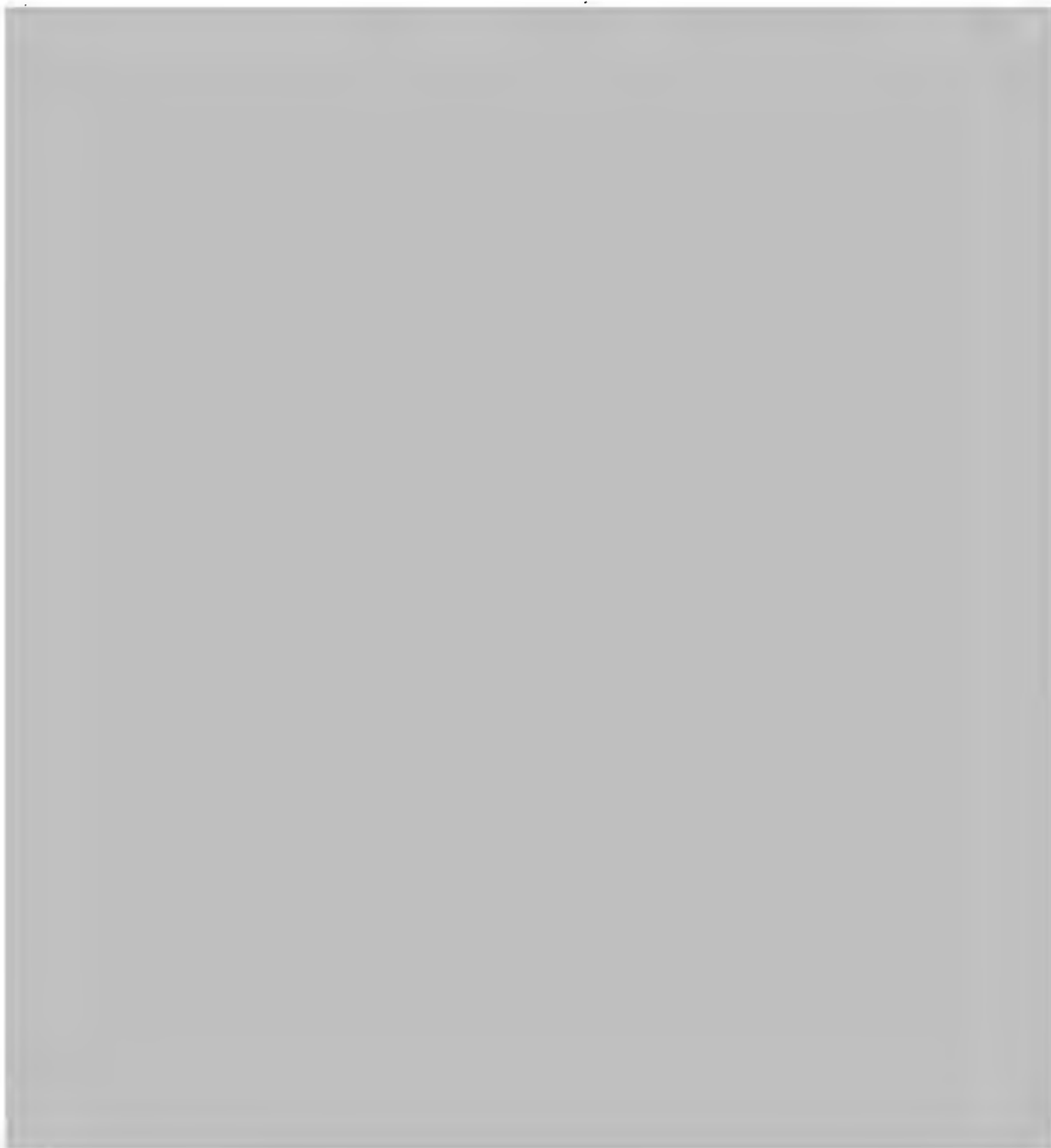


**Pages 53 to / à 62**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

s.21(1)(b)



***[Conclusion]***

As I have said, it is a singular honour to be the Minister of Justice. It may feel daunting at times, and my list of priorities is long. But I know the experiences that have brought me to

○ this point have prepared me well, and my energy and enthusiasm run deep.

○ This is certainly not the first time I have felt the weight of responsibility, or that I have been involved in the challenging but necessary work of reconciling competing tensions. As a Regional Chief of the B.C. Assembly of First Nations, I engaged daily on issues of governance, accountability, and fairness – all complex issues, and particularly intricate because they were infused with constitutional significance flowing from the unique Indigenous context in which they arose.

○ In many aspects of my new role as Minister of Justice, that work continues. Again, I am constantly seeking balance among seemingly divergent principles – whether in relation to assisted dying, criminal law reform or, to bring the point back home, in seeking to protect the essential conditions of judicial independence, while supporting the principles of openness and transparency for which our government stands.

One of the sustaining precepts of Indigenous political systems is the idea of consensus. Issues are debated for the very reason that not everyone is likely to agree on every aspect of a question. But consensus is sought in order to achieve balance in society and to help ensure decisions that survive the test of time. In doing so, chiefs respect each other and the people they serve.

You have my respect, my commitment to collaboration, and my pledge of partnership in an institutional relationship based on a shared vision of a fair, efficient, and equitable justice system that serves Canadians in all their rich diversity.

Thank you for your time. I'd be pleased to take any questions you might have.

**Pages 66 to / à 72  
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**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Page 73**

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**14, 21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

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**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

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**19(1), 21(1)(a), 21(1)(b)**

**of the Access to Information Act  
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**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**